

The Applicants' last Response addressed the fact that the CV value of Maurer would not inherently be the same as that recited by the Applicants. This issue was particularly addressed on page 6 of the Applicants' last Response wherein the Applicants pointed to Comparative Example 4 as representative of Maurer to provide a side-by-side comparison with the Applicants' non-woven fabrics. The Applicants respectfully submit that the comparison shows that Comparative Example 4 had a CV value that was far higher than the Applicants' claimed CV value, thereby establishing that the claimed CV value is not "necessarily" present in Maurer.

The Applicants now enclose a Table which makes it quite clear that the Maurer disclosure is indeed equivalent to or the same as Comparative Example 4 in the Applicants' Specification. The Applicants thus invite the Examiner's attention to the enclosed Table which makes a side-by-side comparison of Comparative Example 4 of the Applicants' application versus Maurer. That Table also takes various claimed components as recited by the Applicants and makes a comparison between Comparative Example 4 and Maurer. For example, the fabric of Comparative Example 4 is a non-woven (melt-blown) fabric. Maurer discloses the same thing. Comparative Example 4 uses melt-blown fibers. Maurer uses melt-blown fibers. Similar comparisons can be made for the polymers, plasticizers, CV value and fiber diameters. Moreover, there are additional "Remarks" provided at the bottom of the Table.

The result of the comparisons shown in the enclosed Table is that Maurer and Comparative Example 4 of the Applicants' application are equivalent. It therefore naturally follows that the CV values of Maurer are the same as those in the Applicants' Comparative Example 4. The problem with that fact is that the Comparative Example for CV value is outside of the Applicants' claimed range of 10% or less. Instead, the Comparative Example 4/Maurer value is 30%.

The Applicants therefore respectfully submit that they have factually established that the Maurer disclosure is equivalent to the Applicants' Comparative Example 4, the Applicants have established that the CV value of Comparative Example 4 is 30% which translates into a 30% CV value for Maurer, and this establishes that the CV value of Maurer is likely to be different from the Applicants' claimed CV value.

This is important because MPEP §2112 has the above-discussed high standard of establishing that the Applicants' claimed CV value must "necessarily" be present in Maurer. The Applicants have factually established that the CV value of Maurer is quite likely to not be "necessarily" the same, and is likely to be quite different. This means that the rejection which is based on inherency, irrespective of the lack of the use of that specific term, cannot be maintained. The Applicants therefore respectfully submit that Maurer is inapplicable to the Applicants' solicited claims under §102 and §103. Withdrawal of the rejection is respectfully requested.

This Response is submitted with a Request for Continued Examination as well as a one-month extension of time. Entry of the previously-filed Response dated February 13, 2009, this Response, the RCE and one-month extension of time into the official file is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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	Comparative Example 4 of the application	Maurer (USP6207601)	same or not
	Non-woven (melt-blown)	Non-woven (melt-blown)	same
fiber	melt blown fiber	melt blown fiber	same
polymer	cellulose acetate propionate	Cellulose esters (cellulose acetate, cellulose acetobutyrate, acetopropionate and propionate and the like. Preferred is cellulose acetate [summary of the invention, 3rd paragraph])	same
plasticizer	poly ethylene glycol with weight of 800	triacetin, ethylene and propylene carbonate, triethyl citrate, triethylene glycol diacetate, polyethylene glycol with weight of 200-1400 and tetrahydrothiophene 1,1-dioxide, etc. [Claim 3]	same.
CV	30%	Coefficient of fineness greater than 300 [the background of the prior art]	10% or more
fiber diameter	7 μ m	less than 10 μ m (must be less than approximately 10 μ m, in particular between approximately 2 to 8 μ m. The standard diameter of a filament obtained according to the dry-spin process, in contrast, is between approximately 15 and 40 μ m. [summary of the invention, column 4, bottom paragraph])	same
		<p>(Remarks)</p> <p>Maurer's description regarding a melt blown fiber comparing to an ordinary melt spinning</p> <p>a) the fiber fraction is more than 50% by weight and the fibers have a coefficient of fineness greater than 300 or b) the following conditions are met; 1) the fiber fraction is more than 30% by weight and the fibers have a coefficient of fineness greater than 300 and 2) the density is less than 0.40 g/cm³.3 [background of the prior art, 1st paragraph]</p> <p>In this process the filaments largely are torn to form fibers. This is in contrast to other spin formed fabric processes in which fiber breaks must be prevented. [background of the prior art, 4th paragraph]</p>	